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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,448	08/01/2003	William David Hardgrave		2862

7590 05/18/2005  
William David Hardgrave  
1933 Westminster Dr.  
Carrollton, TX 75007

EXAMINER

TSAY, FRANK

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/632,448	<b>Applicant(s)</b> HARDGRAVE, WILLIAM DAVID	
	<b>Examiner</b> Frank S Tsay	<b>Art Unit</b> 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 21, 22, 29, 31, and 32, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

In claim 1, line 19, "said normally closed inlet" is incomplete and inconsistent with the term previously used as "said normally closed inlet means".

Claims 2 and 8, "a conduit means" fails to distinguish from that of claim 1.

Claim 9 is confusing and not understood since it is not clear if the conduit means of claim 1 and claim 2 are the same, it is also unclear if "said intrusive conduit means" is the same as the "intrusive tubing means" in claim 1. The essential structural cooperative relationships of elements between the "conduit means" and "intrusive conduit means" is also lacking. The language such as "a wellbore to said hydraulic ram pump location" and "terminating in said respective hydraulic ram pump connections" are indefinite. Last line, "to said surface storage and use" is not understood and appears in error.

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Claim 10, "said annular chamber means" is inconsistent with the term "annular chamber" in claim 1.

Claims 13 and 14, "said valve means" is indefinite, as it is not clear which one of the two "valve means" the "said valve means" refers to; the language "additionally having an adjustable spring assist to open" is incomplete, since the structural relationship between the "spring" and subject to be opened is lacking.

Claim 15, the language "employs an adjustable spring or weight assist to close" is incomplete.

Claim 16, the language " A hydraulic ram pump according to claim 1, further including a wireline retrievable valve unit, ...., comprised of said closed valve means and said open valve means" is confusing and not understood, as it is unclear whether the two valve means are inclusive of the wireline retrievable valve unit or separate from the valve unit. The recitations from lines 4 – 10, "said outer profile can be landed .....extended normally closed inlet, having at least one side port..... retrievable through said tubing means" are confusing and not understood.

Claim 17, the language "further including said closed valve means comprises ...." should be "said open valve means further comprises....".

Claim 20, the language "permitting a portion of said formation fluid, now lifted fluid" is confusing, as it is not clear the "now lifted fluid" is the same as previously defined in line 3 of the same claim.

Claim 21, "said pressure chamber wall" is indefinite and lack proper antecedent basis.

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Claim 22, the language " and other useful tools" is indefinite and needs to be more positively defined.

Claims 24-26, the language such as "assist to open" and "assist to close" are incomplete.

Claim 27, the language " A hydraulic ram pump according to claim 20, further including a wireline retrievable valve unit, ...., comprised of said closed valve means and said open valve means" is confusing and not understood, as it is unclear whether the two valve means are inclusive of the wireline retrievable valve unit or separate from the valve unit. The recitations from lines 4 – 10, "said outer profile can be landed .....extended normally closed inlet, having at least one side port..... retrievable through said tubing means" are confusing and not understood.

Claim 29 is confusing and indefinite, for failing to clearly set forth the metes and bounds of the patent protection desired, as a claim can not be both a method claim and an apparatus claim.

Claim 30, "The method fro completing of claim 31" should be "The method for completing of claim 29".

Claim 31, line 6, "near the end of the tubing strings" is indefinite, since the structural relationship between the "tubing strings" and wellbore is lacking; line 11, "the wall of the open hole" is indefinite because there is no indication the wellbore being an open hole. Line 25, "said pump's normally closed valve" is indefinite; "storing energy developed from said falling annulus fluid" is indefinite and not understood, since it is not clear what defines the falling annular fluid. Line 31, "said trapped fluid" fails to

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distinguish from the "trapped gas" in line 28. The step of "repeating said flow and valve actions" is confusing and indefinite.

Claim 32, the language "below the casing flow openings" is indefinite; the language "and above said casing lower end within said casing" is confusing.

***Allowable Subject Matter***

Claims 1-32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Obermoser, Kunkel, Marsh, Holladay, and Hasbrouck all teach hydraulic ram pumps and applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank S Tsay whose telephone number is (517) 272-7038. The examiner can normally be reached on Monday thru Friday, 7:30am-5:00 pm, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on (517)272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frank S Tsay  
Primary Examiner  
Art Unit 3672

5/8/05